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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,648

Applicant(s)

KIM, JONG-TAK

Examiner

UMAR CHEEMA

Art Unit

2444

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. This action is response to the amendment filed on 12/16/2008. Claims 1-21 and 23-38 are pending. Claims 20, 21 and 38 have been further amended and claim 22 has been canceled.

Response to Arguments

2. Applicant's arguments with respect to claims 20, 21, 23-25 and 38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1-7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus et al. (Barrus) (US Patent # 6,784,899) in view of Kuthyar et al. (Kuthyar) (US

Patent # 5,768,513) and further in view of Takahashi et al (Takahashi) (US Patent # 5,819,261).

4. Regarding claim 1, Barrus substantially discloses the invention as claimed a method comprising: receiving a multimedia message (see abstract, col. 1, lines 27-36; storing, generating and retrieving, receiving and sending multimedia messages including an audio communication device, a visual output device, a remote access system and a multimedia message system); setting an index value of the multimedia message indicative of whether the multimedia message is a new multimedia message or a previously sent multimedia message (see col. 24, lines 35-46, 52-58 also figures 3, 16 and the details related; indexing unit); storing the multimedia message in a storage device with the set index value; receiving information including an index value from a user agent (see col. 4, lines 1-10; figures 3, 12-13 and the details related; storing, generating and receiving, receiving and sending multimedia messages); searching the storage device for the multimedia message, the search performed based on a comparison of the index value in the information received from the user agent and the index value set in the stored multimedia message; and forwarding the multimedia message produced by the search.

5. Barrus substantially discloses the invention as claimed above however does not explicitly disclose wherein said searching the storage device for the multimedia message, the search performed based on a comparison of the index value in the information received from the user agent and the index value set in the stored multimedia message; and forwarding the multimedia message produced by the search.

6. In the same field of invention, Kuthyar and Takahashi disclose wherein said searching the storage device for the multimedia message, the search performed based on a comparison of the index value in the information received from the user agent and the index value set in the stored multimedia message (see Takahashi: abstract, col. figure 14 a-c; col. 18, lines 56-64); and forwarding the multimedia message produced by the search (see Kuthyar: pg. 5, lines 20-25).
7. It would have been obvious to one of the ordinary skills person in the art of networking at the time of the invention to combine the teaching of Barrus, Kuthyar and Takahashi for a method comprising setting an index value of a multimedia message and forward the message based on the set index value. Motivation for doing so would have been that the system provides an improved multimedia messaging service capabilities (see Kuthyar: pg. 1, lines 58-60).
8. Regarding claim 2, Barrus discloses the method of claim 1, wherein the index value is set in a header of the multimedia message (see col. 13, lines 46-63, figure 7 and the details related).
9. Regarding claim 3, Barrus discloses the method of claim 2, wherein the index value comprises a predetermined bit in order to discriminate the multimedia message from other multimedia messages (see figures 9A-B and the details related, col. 16, lines 22-51; predetermined input bit or character etc.).
10. Regarding claim 4, Barrus discloses the method of claim 2, wherein the index value is set as a value corresponding to other than '0' by a multimedia messaging

service server (see figures 9A-B and the details related, col. 16, lines 22-51; predetermined input bit or character etc.).

11. Regarding claim 5, Barrus discloses the method of claim 2, wherein the index value is set as a value corresponding to '0' when contents of the multimedia message change (see figures 9A-B and the details related, col. 16, lines 22-51; predetermined input bit or character etc.).

12. Regarding claim 6, Barrus discloses the method of claim 2, wherein the index value is set as a value corresponding to '0' when the multimedia message is deleted from a mailbox (see fig. 6 and the details related, create, edit, delete and retrieve multimedia messages, col. 13, lines 28-36).

13. Regarding claim 7, the combination of Barrus and Kuthyar disclose the method of claim 1, wherein Kuthyar further discloses forwarding the multimedia message comprises forwarding the multimedia message from a server to a receiving side user agent (see Kuthyar: pg. 5, lines 20-25).

14. Claims 8-19, 20-21, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus et al. (Barrus) (US Patent # 6,784,899) in view of Takahashi et al (Takahashi) (US Patent # 5,819,261).

15. Regarding claim 8, Barrus discloses a method comprising: transmitting header information of a multimedia message from a user agent to a server; and determining an index value of the transmitted header information, wherein the index value indicates whether the multimedia is a new multimedia message or a previously sent multimedia

message (see col. 24, lines 35-46, 52-58 also figures 3, 16 and the details related; indexing unit).

16. Barrus discloses substantially the invention as claimed above however does not explicitly disclose wherein said transmitting header information of a multimedia message from a user agent to a server; and determining an index value of the transmitted header information. However in the same field of invention Takahashi discloses wherein said transmitting header information of a multimedia message from a user agent to a server; and determining an index value of the transmitted header information (see figures 1, 8 and the details related, col. 9, lines 7-42; transmitting header information).

17. It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Barrus and Takahashi for a method comprising setting an index value of a multimedia message and forward the message based on the set index value. Motivation for doing so would have been because it this functionality extends the usefulness of the multimedia message system's capabilities (see Barrus: col. 2, lines 49-52).

18. Regarding claim 9, Barrus discloses the method of claim 8, further comprising retrieving a multimedia message having a same index value in a mailbox (see col. 13, lines 46-63, figure 7 and the details related).

19. Regarding claim 10, Barrus discloses the method of claim 9, further comprising inserting information of a receiving side in the retrieved multimedia message (see col. 1, lines 27-36; storing, generating and retrieving, receiving and sending multimedia

messages including an audio communication device, a visual output device, a remote access system and a multimedia message system).

20. Regarding claim 11, Barrus discloses the method of claim 10, further comprising transmitting the multimedia message to a user agent on the receiving side (see col. 1, lines 27-36; storing, generating and retrieving, receiving and sending multimedia messages including an audio communication device, a visual output device, a remote access system and a multimedia message system).

21. Claim 12, is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus et al. (Barrus) (US Patent # 6,784,899), in view of Takahashi et al (Takahashi) (US Patent # 5,819,261) and further in view of Kuthyar et al. (Kuthyar) (US Patent # 5,768,513).

22. Regarding claim 12, Barrus and Takahashi substantially disclose the limitations of claim 8 for the above reason, however do not explicitly disclose wherein said the method of claim 10, wherein the information of the receiving side comprises one of a telephone number and an address of the receiving side. However in the same field of invention, Kuthyar discloses the method of claim 10, wherein the information of the receiving side comprises one of a telephone number and an address of the receiving side (see fig. 2, col. 4, lines 7-23).

23. It would have been obvious to one of the ordinary skill in the art of networking at the time of the invention to combine the teaching of Barrus, Takahashi and Kuthyar for receiving information where information contains telephone number and an address of

the receiving side. Motivation for doing so would have been that it provides an improved multimedia messaging service capabilities (see Kuthyar: pg. 1, lines 58-60).

24. Regarding claim 13-16, the limitations of these claims have already been addressed above (see claims 3-6 above).

25. Regarding claim 17, the combination of Barrus and Takahashi disclose the method of claim 8, wherein Takahashi further comprising transmitting the multimedia message when the index value corresponds to '0' (see figures 1, 8 and the details related, col. 9, lines 7-42; transmitting header information).

26. Regarding claim 18, Barrus discloses the method of claim 8, where wherein the multimedia message stored in a mailbox has a predetermined storage time set by a multimedia user agent (see figures 9A-B and the details related, col. 16, lines 22-51; predetermined input bit or character etc.).

27. Regarding claim 19, Barrus discloses the method of claim 18, further comprising automatically deleting the multimedia message stored in the mailbox when the set storing time elapses (see fig. 6 and the details related, create, edit, delete and retrieve multimedia messages, col. 13, lines 28-36).

28. Regarding claim 20, Barrus discloses the invention as claimed a multimedia communication method comprising: receiving a header information of a multimedia message (see abstract, col. 1, lines 27-36, col. 13, lines 46-63, figure 7 and the details related; storing, generating and retrieving, receiving and sending multimedia messages including an audio communication device, a visual output device, a remote access system and a multimedia message system), wherein the header information includes an

index value that indicates whether the multimedia is a newly received multimedia message or a previously sent multimedia message; and determining how to communicate the multimedia message based on the received header information (see col. 24, lines 35-46, 52-58 also figures 3, 16 and the details related; indexing unit), wherein the header information is received without a multimedia portion of the multimedia message and wherein said determining includes determining how to communicate the multimedia message including said multimedia portion based on the header information received without said multimedia portion.

29. Barrus substantially discloses the invention as claimed above however does not explicitly disclose wherein the header information is received without a multimedia portion of the multimedia message and wherein said determining includes determining how to communicate the multimedia message including said multimedia portion based on the header information received without said multimedia portion. In the same field of invention Takahashi discloses wherein the header information is received without a multimedia portion of the multimedia message and wherein said determining includes determining how to communicate the multimedia message including said multimedia portion based on the header information received without said multimedia portion (see figures 1, 8 and the details related, col. 9, lines 7-42; transmitting header information).

30. It would have been obvious to one of the ordinary skills person in the art of networking at the time of this invention to combine the teaching of Barrus and Takahashi for a method comprising setting an index value of a multimedia message and forward the message based on the set index value. Motivation for doing so would have

been because it this functionality extends the usefulness of the multimedia message system's capabilities (see Barrus: col. 2, lines 49-52).

31. Regarding claim 21, Barrus discloses the method of claim 20, wherein determining how to communicate comprises determining the index value of the multimedia message (see abstract, col. 1, lines 27-36, col. 13, lines 46-63, figure 7 and the details related).

32. Regarding claim 22, (Cancelled).

33. Regarding claim 24, Barrus discloses the method of claim 21, further comprising retrieving a multimedia message having a similar index value from a memory based on the determined index value (see col. 1, lines 27-36; storing, generating and retrieving, receiving and sending multimedia messages including an audio communication device, a visual output device, a remote access system and a multimedia message system).

34. Regarding claim 25, Barrus discloses the method of claim 24, further comprising associating identification information of a receiving side with the retrieved multimedia message (see col. 1, lines 33-53).

35. Claim 23, is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus et al. (Barrus) (US Patent # 6,784,899) in view of Takahashi et al (Takahashi) (US Patent # 5,819,261) and further in view of Kuthyar et al. (Kuthyar) (US Patent # 5,768,513).

36. Regarding claim 23 Barrus-Takashi substantially disclose the limitations of claim 20 for the above reason, however do not explicitly disclose wherein said the method of claim 21, further comprising forwarding the multimedia message from a first user agent

to a second user agent based on the determined index value. However in the same field of invention, Kuthyar discloses the method of claim 21, further comprising forwarding the multimedia message from a first user agent to a second user agent based on the determined index value (see pg. 5, lines 20-25).

37. It would have been obvious to one of the ordinary skill in the art of networking at the time of the invention to combine the teaching of Barrus-Takashi and Kuthyar for forwarding the multimedia message from a first user agent to a second user agent based on the determined index value. Motivation for doing so would have been that it provides an improved multimedia messaging service capabilities (see Kuthyar: pg. 1, lines 58-60).

38. Claims 26-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus et al. (Barrus) (US Patent # 6,784,899) in view of Takahashi et al (Takahashi) (US Patent # 5,819,261).

39. Regarding claim 26, Barrus substantially discloses the invention as claimed a server comprising: a receiving device to receive at least an index value of a multimedia message (see abstract, col. 1, lines 27-36; storing, generating and retrieving, receiving and sending multimedia messages); a processor to select information to transmit based on the index value (see col. 7, lines 45-59, figure 3 as well as figures 1-2 and the related details), wherein the index value indicates whether the multimedia is a new multimedia message or a previously sent multimedia message (see col. 24, lines 35-46, 52-58 also figures 3, 16 and the details related; indexing unit); and a transmitting device to transmit at least the selected information.

40. Barrus discloses substantially the invention as claimed above however does not explicitly disclose wherein said transmitting device to transmit at least the selected information. In the same field of invention Takahashi discloses wherein said transmitting device to transmit at least the selected information (see figures 1, 8 and the details related, col. 9, lines 7-42; transmitting header information).

41. It would have been obvious to one of the ordinary skill person in the art of networking at the time of this invention to combine the teaching of Barrus and Takahashi for a method comprising setting an index value of a multimedia message and forward the message based on the set index value. Motivation for doing so would have been because it this functionality extends the usefulness of the multimedia message system's capabilities (see Barrus: col. 2, lines 49-52).

42. Regarding claim 27-31, the limitations of these claims have already been addressed above (see claims 2-3, 5-7 above).

43. Regarding claim 32, Barrus discloses the server of claim 26, wherein the processor decides to retrieve a multimedia message having a similar index value from a memory based on the determined index value (see col. 1, lines 27-36; storing, generating and retrieving, receiving and sending multimedia messages including an audio communication device, a visual output device, a remote access system and a multimedia message system).

44. Regarding claim 33, Barrus discloses the invention as claimed a method for processing a multimedia message comprising: transmitting one of (a) a multimedia message including the index value in the header of the multimedia message, wherein

the index value indicates that the multimedia message is a new multimedia message or a changed multimedia message from a previously sent multimedia message (see col. 24, lines 35-46, 52-58 also figures 3, 16 and the details related; indexing unit) or (b) only a header of a multimedia message, wherein an index value of the header indicates the multimedia message was a previously sent multimedia message, which has not changed (see col. 24, lines 35-46, 52-58 also figures 3, 16 and the details related; indexing unit); and receiving one of the header in (b) or the multimedia message in (a), wherein when only the header in (b) is received, the method further comprises retrieving the multimedia message having a corresponding index value as the received header from a storage device (see col. 4, lines 1-10; figures 3, 12-13 and the details related; storing, generating and receiving, receiving and sending multimedia messages).

45. Barrus discloses substantially the invention as claimed above however does not explicitly disclose wherein said transmitting message. In the same field of invention Takahashi discloses wherein said transmitting message (see figures 1, 8 and the details related, col. 9, lines 7-42; transmitting header information).

46. It would have been obvious to one of the ordinary skills person in the art of networking at the time of this invention to combine the teaching of Barrus and Takahashi for a method comprising setting an index value of a multimedia message and forward the message based on the set index value. Motivation for doing so would have been because it this functionality extends the usefulness of the multimedia message system's capabilities (see Barrus: col. 2, lines 49-52).

47. Regarding claim 34, the limitations of this claim has already been addressed (see claim 5 above).
48. Regarding claim 35, the limitations of this claim has already been addressed (see claim 4-5 above).
49. Regarding claim 36, the limitations of this claim has already been addressed (see claim 3 above).
50. Regarding claim 37, the limitations of this claim has already been addressed (see claim 7 above).
51. Regarding Claim 38, the combination of Barrus-Takashi discloses the method of claim 1, wherein said receiving includes: receiving header information that includes the index value, the header information received without multimedia information when the index value indicates that the multimedia message is not a changed message or first-sent message (see Barrus: col. 24, lines 35-46, 52-58 also figures 3, 16 and the details related; indexing unit; Takashi: figures 1, 8 and the details related, col. 9, lines 7-42; transmitting header information).

Response to Arguments

52. Applicant's arguments with respect to claims 1-19 and 26-37 have been considered but they are not persuasive. Applicant's argument with respect to these claims is that none of the cited references single or in combination teach or suggest, "an index value which provides an indication of whether a multimedia message is new multimedia message or a previously send multimedia message." Examiner disagrees with Applicant's argument. As cited in above details action that Barrus teaches or

suggests an index value which provides an indication of whether a multimedia message is new multimedia message or a previously send multimedia message (see Barrus: col. 24, lines 35-58 also figures 3, 16 and the details associated; wherein method for creating a new message or replying to an existing one is described). Therefore it is Examiner's position that such limitations are taught or suggested by cited references and 35 U.S.C 103(a) rejection to claims 1-19 and 26-37 is proper.

53. The breath of the claims allows for such an interpretation. Applicant employs broad language which includes the use of words and phrases which have broad meaning in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breath allows multiple interpretations and meaning which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly as reasonably possible, in determining patentability of the disclosed invention. Again, claims are interpreted in light of the specification; limitations from the specification are not read into the claims. See *In re Van Geuns*, 998 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

54. **Examiner's Note:** Examiner has cited particular paragraphs, figures, columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially

teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

55. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **UMAR CHEEMA** whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C./
Examiner, Art Unit 2444
/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444